

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

KATHY DYER and ROBERT DYER, §  
Individually and as Representative of the §  
Estate of Graham Dyer, §  
Plaintiffs, §  
§  
v. § Cause No. 3:15-CV-02638-B  
§  
JACK FYALL, RICHARD HOUSTON, §  
ALAN GAFFORD, ZACHARY SCOTT, §  
WILLIAM HEIDELBURG, and BILL §  
HEDGPETH, §  
Defendants. §

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

COME NOW Defendants Fyall, Houston, Gafford, Scott, Heidelberg,<sup>1</sup> and Hedgpeth who make and file this Motion for Summary Judgment pursuant to F.R.C.P. 56 and pursuant to this Court's Orders of May 24<sup>th</sup> and August 02<sup>nd</sup>, 2017. This Motion is presented as both a traditional and as a no-evidence summary judgment motion. For same, Defendants respectfully state the following:

1. Defendants move for summary judgment on the Fourth Amendment force claim because the evidence in the record establishes that the claim against each individual Defendant is barred by qualified immunity. There is no evidence of causation of injury to decedent. There is no genuine issue of material fact on this claim or on those issues.

2. Defendants move for summary judgment on the 14th Amendment inattention to medical needs claim because the evidence in the record establishes that the claim against each

---

<sup>1</sup> Misnamed herein at "Heidelberg".

individual Defendant is barred by qualified immunity. There is no genuine issue of material fact on this claim or on that issue.

3. The matters set forth in Local Rule 56.3a are contained in Defendants' Brief in support hereof.

Respectfully submitted,

By: /s/ Joe C. Tooley  
State Bar No. 20129750  
510 Turtle Cove, Suite 112  
Rockwall, Texas 75087  
(972) 722-1058  
(972) 722-1070 (Facsimile)  
[Joe@Tooleylaw.com](mailto:Joe@Tooleylaw.com)

ATTORNEY FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to counsel for Plaintiffs in accordance with the Federal Rules of Civil Procedure, as modified by this Court's ECF Orders, on this 05<sup>th</sup> day of September, 2017.

/s/ Joe C. Tooley